

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Gregory T. Howard,

Case No. 3:04CV7558

Plaintiff

v.

ORDER

Cynthia M. Kozak, et al.,

Defendant

This is a pro se suit by a former employee against his former employer and one of its supervisory employees. The plaintiff's complaint was dismissed with prejudice on October 6, 2004. The Sixth Circuit Court of Appeals affirmed that decision on June 16, 2005; the mandate has been stayed to permit the defendant to seek certiorari.

This suit was one of a series of suits filed by the plaintiff against the same defendants and arising from his termination by his employer (3:97cv7095 Howard v. Seaway Food Town and 3:02cv7106 Howard v. Seaway Food Town) . Consequently, this court's dismissal entry directed the Clerk to accept no further filings by the plaintiff without prior approval of this court.

Pending are applications by the plaintiff for leave to file three pleadings: 1) motion for sanctions; 2) motion to vacate the October 6, 2004, order of dismissal; and 3) motion to remand count three to the Office of the Circuit Executive.

Leave to file shall be denied. Like all the plaintiff's other filings, these are frivolous and without merit. To permit these pleadings to be filed would simply have the effect of harassing the defendants and causing them unnecessary and unjustified expense and inconvenience.

The motion for sanctions alleges that the defendants filed an unwarranted and improper request for extension of time. That motion was granted on October 5, 2004. It is far too late for plaintiff to complain about any putative defects in the motion. His effort to obtain sanctions is utterly frivolous.

The motion to vacate the October 6, 2004, order is likewise without merit. Plaintiff's appeal from that order was unsuccessful. He cannot now challenge that order independently of the appeal which remains pending via his effort to secure certiorari.

Plaintiff asserts fraud and collusion on the part of the undersigned and the Hon. David A. Katz, Sr. United States District Judge, in the entry of that order. That conclusory contention is unfounded, and does not justify allowing plaintiff to file his motion.

The third pleading seeks to remand count three of his complaint to the office of the Circuit Executive. Plaintiff restates and elaborates on his allegations of fraud and collusion between the undersigned and Sr. Judge Katz.

This court has no authority to "remand" matters to the Circuit Executive. Plaintiff's request asks me to perform a judicial act that I have no authority to perform. It is, accordingly, frivolous.

Conclusion

Plaintiff continues to misuse the judicial process to assert baseless claims and seek unobtainable relief. The instant pleadings confirm the propriety of the earlier order requiring him to show cause before being permitted to file further pleadings in this court.

It is, therefore,

ORDERED THAT:

1. Plaintiff's request for leave to file further pleadings be, and the same hereby is denied, with prejudice; and

2. An appeal from this Order would be frivolous, and shall not be allowed *in forma pauperis*, and shall be allowed only on prepayment of the requisite filing fee.

So ordered.

s/James G. Carr
James G. Carr
Chief Judge